

The Law Offices of Bukh and Associates PLLC
Arkady Bukh Esq.
1123 Avenue Z
Brooklyn, NY 11235
Tel.: (718) 376-6466
Attorney for Defendants

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

<div>UNITED STATES</div> <div>vs.</div> <div>FISHENKO, et al.</div> <div>Defendant</div>	<div>NOTICE OF MOTION TO WITHDRAW AS ATTORNEY</div> <div>1:12-cr-00626-SJ</div>
--	---

NOTICE OF MOTION TO WITHDRAW AS ATTORNEY ON CONSENT OF DEFENDANTS

PLEASE TAKE NOTICE, that upon the annexed affirmation of ARKADY BUKH ESQ. sworn to on February 14, 2010, and upon all prior papers and proceeding had herein, movant the LAW OFFICES OF BUKH & ASSOCIATES, counsel for, ALEXANDER LEMBERG, will move this HONORABLE court before the Presiding Judge at the United States District Court, for the Southern District of New York for an Order granting movant leave to withdraw as counsel of record.

Dated: February 14, 2011
Brooklyn, New York

LAW OFFICES OF BUKH & ASSOCIATES

 /s/ ARKADY BUKH
ARKADY BUKH ESQ.
LAW OFFICES OF BUKH & ASSOCIATES
1123 Avenue Z
Brooklyn, NY 11235
(718) 376-4766
(718) 376-3033 fax
honorable@usa.com

The Law Offices of Bukh and Associates PLLC
Arkady Bukh
1123 Avenue Z
Brooklyn, NY 11235
Tel.: (718) 376-6466
Attorney for Defendants

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES	AFFIRMATION OF SUPPORT IN SUPPORT OF MOTION TO WITHDRAW AS ATTORNEY OF RECORD 1:12-cr-00626-TPG
vs.	
FISHENKO, et al.	
Defendants	

ARKADY BUKH ESQ. being duly sworn, states as follows:

1. I am the principal of the LAW OFFICES OF BUKH & ASSOC.

A. PROCEDURAL HISTORY

2. My firm represents VIKTORIA KLEBANOVA in the above captioned matter. Ms. KLEBANOVA was originally arraigned on or about September 28, 2012 on a felony indictment. The case was adjourned to 11-9-12 for an conference with the Court.

B. MRS. KLEBANOVA'S FINANCIAL SITUATION:

3. Mrs. Klebanova has informed my office that she cannot afford our services. At the time Mrs. Klebanova hired my law firm she believed she would be able to pay my law firm to represent her for the duration of her case.
4. Mrs. Klebanova has communicated to my firm that she cannot afford to pay for our services. .

5. At this juncture, the case is in the very early stages. Substantial resources will need to be spent to adequately represent Mrs. Klebanova, including review of the lengthy discovery, preparing and arguing pre-trial motions, hearings, and trial. .

C. MRS. KLEBANOVA'S CONSENT TO THE REQUEST

6. Mrs. Klebanova has communicated to my office that she wants new representation, and requests that this Honorable Court appoint counsel for her through the Criminal Justice Act.

D. LEGAL ARGUMENT:

7. Pursuant to 22 NYCCR 1200.0, Rule 1.16(c)(5) and (10), a lawyer may withdraw from representing a client, when the client deliberately disregards an agreement or obligation to the lawyer as to expenses or fees, or when the client knowingly and freely assents to termination of the employment. Here, while Mrs. Klebanova is unemployed, she cannot afford to pay my law firm to continue to represent her. Mrs. Klebanova consents to the withdrawal of representation, and requests that this Honorable Court appoint her new counsel.

8. While non-payment of legal fees, without more, is not usually a sufficient basis to permit an attorney to withdraw from representation, those cases have generally involved criminal defense attorney who could be compensated under the CJA Act¹, or cases in which counsel knew of a client's inability to pay before undertaking the representation at issue.² Neither of those circumstances exist here, as no member of my law firm is on the CJA panel, and this firm was of the belief that Mrs. Klebanova could afford to pay for our service when we undertook representation. Additionally, Mrs. Klebanova consents to the termination of employment.

¹ *United States v. Stein*, 488 F. Supp. 2d 370 (SDNY. 2007).

² [*S.E.C. v. Intracom Corp.*, 2007 U.S. Dist. LEXIS 40477, 2007 WL 1593208 \(E.D.N.Y. June 1, 2007\)](#)

9. Finally, Mrs. Klebanova would not be prejudiced by the withdrawl of my firm, given the very early stages of his case. Appointed counsel will be in a better position to adequately defend Mrs. Klebanova, as appointed counsel will have the recourses to do so.

WHEREFORE: The undersigned requests that this Honorable Court grant his motion to withdraw as counsel.

Dated: November 8, 2012
Brooklyn, New York

LAW OFFICES OF BUKH & ASSOCIATES

/s/ Arkady Bukh Esq.
ARKADY BUKH
LAW OFFICES OF BUKH & ASSOCIATES
1123 Avenue Z
Brooklyn, NY 11235
(718) 376-4766
(718) 376-3033 fax
honorable@usa.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing NOTICE OF MOTION TO WITHDRAW AS ATTORNEY AND ATTACHED AFFIRMATION IN SUPPORT was served via electronic submission by ECF to the following addressee on November 8, 2012.

AUSA Daniel Silver
U S Attorney
1 St Andrews Plaza

New York, NY 10007
john.zach@usdoj.gov

Dated this 8th day of November, 2012

/s/ Arkady Bukh Esq.
Arkady Bukh ESQ.
LAW OFFICES OF BUKH & ASSOC.
1123 Ave. Z
Brooklyn, NY 11235
(718) 376-4766